

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Kathleen Marez,)
)
Plaintiff,)
)
vs.) Cause No. 4:09CV999 MLM
)
)
Saint-Gobain Containers, Inc.,)
)
Defendant.)

PLAINTIFF KATHLEEN MAREZ'S
MOTION FOR PREJUDGMENT INTEREST AND
REINSTATEMENT, OR IN THE ALTERNATIVE, FRONT PAY

COMES NOW Plaintiff Kathleen Marez, by and through counsel, pursuant to pursuant to Fed.R.Civ.P. 59(e), hereby moves the Court to amend the judgment entered by the Court February 15, 2011, and thereby amend the judgment to include prejudgment interest, reinstatement, or in the alternative, front pay. As grounds therefore, Plaintiff Kathleen Marez states as follows:

1. On January 28, 2011, a jury returned a verdict in favor of Plaintiff on her FMLA claim, against Defendant Saint-Gobain Containers, Inc. As part of her damages, the jury awarded Plaintiff \$206,500 for lost wages and economic losses for losses she sustained from losing her job on January 30, 2008, through the date of trial. This Court entered judgment pursuant to the jury's verdict on February 15, 2011.
2. Plaintiff requests that the Court order Defendant to pay Plaintiff prejudgment interest in the amount of \$21,440.75, on the amount of damages awarded by the jury for Plaintiff's lost wages and economic losses. The total amount of judgment and

postjudgment interest equals \$455,881.50 (\$206,500 + \$21,440.75 = \$227,940.75 X 2 = \$455,881.50).

3. Plaintiff seeks reinstatement to her former position of Production Supervisor, or in the alternative, 5-years front pay, for a total of \$308,500.00 (\$61,7000 X 5).

WHEREFORE, based upon the foregoing, Plaintiff Kathleen Marez respectfully moves this Court to amend the judgment entered by the Court on February 15, 2011, by reinstating Plaintiff Kathleen Marez to her former position at Saint-Gobain Containers, Inc. as Production Supervisor, making \$61,700.00/year, or in the alternative, award her 5-years front-pay for a total of \$308,500.00, together with an award of prejudgment interest in the amount of \$21,440.75, and together with any and all further relief this Court deems just and proper under the circumstances.

Respectfully submitted,

**LAW OFFICE OF
KRISTIN F. WHITTLE, LLC**

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Certificate of Service

This is to certify that the foregoing was sent electronically via email this 8th day of March, 2011, to the following individuals whom have elected to receive pleadings electronically: Jeffery M. Mallamad, Carolyn Clay Hall, Katherine G. Erdel, Attorneys at Law, BINGHAM McHALE LLP, 10 West Market Street, Suite 2700, Indianapolis, IN 46204, Lead Counsel for Defendant Saint-Gobain Containers, Inc., and Dennis C. Donnelly, Local Counsel for Defendant.

/s/ Kristin Whittle Parke